

TIMOTHY S. THIMESCH, Esq. (SBN 148213)
tim@thimeschlaw.com
THIMESCH LAW OFFICES
158 Hilltop Crescent
Walnut Creek, CA 94597-3452
Telephone: (925) 588-0401
Facsimile: (888) 210-8868

LAW OFFICES OF GENE A. FARBER
GENE A. FARBER, ESQ. (SBN 44215)
genefarber@gmail.com
4258 Twenty Sixth Street
San Francisco, CA 94131
Telephone: (415) 956-1800
Facsimile: (415) 282-4228

Attorneys for Plaintiff CRAIG YATES

JEFFER, MANGELS, BUTLER & MARMARO LLP
MARTIN H. ORLICK, ESQ. (Bar No. 083908),
MOrlick@jmbm.com
MATTHEW S. KENEFICK, ESQ. (Bar No. 227298),
MKenefick@jmbm.com
Two Embarcadero Center, Fifth Floor
San Francisco, California 94111-3824
Telephone: (415) 398-8080
Facsimile: (415) 398-5584

Attorneys for Defendants and Third-Party Plaintiffs CITY
AND COUNTY OF SAN FRANCISCO and CITY OF SAN
FRANCISCO UPTOWN PARKING CORPORATION, a
Non-Profit Public Benefit Corporation

PATRICK M. RYAN, ESQ. (CA Bar No. 203215)
WINSTON & STRAWN LLP
101 California Street, Suite 3900
San Francisco, CA 94111-5894
Telephone: 415-591-1000
Facsimile: 415-591-1400
pryan@winston.com

Attorneys for Third-Party Defendant SAN FRANCISCO PARKING, INC. d/b/a CITY PARK

DENNIS J. HERRERA, ESQ., (SBN 139669)
DANNY CHOU, ESQ. (SBN 180240)
danny.chou@sfgov.org
JAMES M. EMERY, ESQ. (SBN 153630)
jim.emery@sfgov.org
ELAINE M. O'NEIL, ESQ. (SBN 142234)
elaine.o'neil@sfgov.org
Fox Plaza, 1390 Market St., Sixth Floor
San Francisco, CA 94102
Telephone: (415) 554-4261
Facsimile: (415) 554-3985

Attorneys for Defendant and Third-Party Plaintiff
CITY AND COUNTY OF SAN FRANCISCO

MICHAEL BETTINGER, ESQ.
RACHEL R. DAVIDSON, ESQ.
K&L GATES LLP
55 Second Street, Suite 1700
San Francisco, CA 94105-3493
Tel: (415) 882-8200
Fax: (415) 882-8220
rachel.davidson@klgates.com
mike.bettinger@klgates.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CRAIG YATES,

Plaintiff,

vs.

UNION SQUARE, et al.

Defendants.

Case No. C07-04087-JSW (EDL)

**REQUEST FOR DISMISSAL WITH
PREJUDICE OF THE ENTIRE
ACTION, BUT WITH RETAINED
JURISDICTION TO INTERPRET AND
ENFORCE THE SETTLEMENT
AGREEMENT**

AND ORDER THEREON

AND RELATED THIRD PARTY ACTION. /

Thanks to the efforts of the Honorable Elizabeth D. Laporte at Settlement Conference,
this matter has settled in all aspects, including plaintiff's claims for injunctive relief, statutory

1 damages, and reasonable statutory attorney fees, litigation expenses and costs, as well as for
2 the claims made in the cross-complaint. The parties hereby request full dismissal with
3 prejudice of the entire action, but with the limitation that the court retain jurisdiction to
4 interpret and enforce the settlement agreement, as provided for by the terms of the agreement.

5 ////
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 All parties are to bear their own costs and attorney's fees.

2 SO STIPULATED.

3 DATED: August 24, 2009 THIMESCH LAW OFFICES
4 TIMOTHY S. THIMESCH
5 GENE A. FARBER

6 By: /s/ Signature Authorized
Attorneys for Plaintiff CRAIG YATES

7 DATED: August 24, 2009 JEFFER, MANGELS, BUTLER & MARMARO LLP
8 MARTIN H. ORLICK
9 MATTHEW S. KENEFICK

10 By: /s/ Signature Authorized
11 Attorneys for Defendants CITY AND COUNTY OF
12 SAN FRANCISCO and CITY OF SAN FRANCISCO
13 UPTOWN PARKING CORPORATION

14 DATED: August 24, 2009 OFFICE OF THE CITY ATTORNEY
15 ELAINE O'NEIL
16 JOANNE HOEPER
17 JAMES MOXON EMERY

18 By: /s/ Signature Authorized
19 Attorneys for Defendant CITY AND COUNTY OF
20 SAN FRANCISCO

21 DATED: August 24, 2009 PATRICK M. RYAN, ESQ.
22 WINSTON & STRAWN LLP
23 MICHAEL BETTINGER, ESQ.
24 RACHEL R. DAVIDSON, ESQ.
25 K&L GATES LLP

26 By: /s/ Signature Authorized
27 Attorneys for Defendant CITY PARK

28 **ORDER**

SO ORDERED. _____

Dated: September 11, 2009


HONORABLE JEFFREY S. WHITE
JUDGE OF U.S. DISTRICT COURT